



HERBERT
SMITH
FREEHILLS

Hon. George B. Daniels
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Herbert Smith Freehills New York LLP
450 Lexington Avenue, 14th floor
New York, NY 10017
USA
T +1 917 542 7600
F +1 917 542 7601
D +1 917 542 7810
E scott.balber@hsf.com
www.herbertsmithfreehills.com

Our ref
30991826
Your ref

By ECF and Fax

Date
December 16 2016

**Re: *Jose Guzman v. Mel S. Harris and Associates, LLC, et al.*,
Case No. 1:16-cv-03499-GBD-RLE
Explanation of Amended Motion for Partial Judgment on the Pleadings**

Dear Judge Daniels:

This firm represents defendant LR Credit 13, LLC ("LRC") in the above-captioned matter. We write in connection with LRC's withdrawal of its previously-filed Motion for Partial Judgment on the Pleadings (ECF No. 93) and the filing of an Amended Motion for Partial Judgment on the Pleadings.

One prong of LRC's previously-filed Motion for Partial Judgment on the Pleadings was that Plaintiff's claim for attorneys' fees is precluded by the class settlement agreement in the litigation entitled *Sykes v. Mel S. Harris, LLC, et al.*, 1:09-cv-08486-DC (S.D.N.Y.) ("*Sykes*"). Since the filing of LRC's motion, class counsel in *Sykes* has raised with us the potential implications of LRC's motion and therefore, LRC is withdrawing that prong of the motion so that it may address any issues. LRC reserves its right to reassert this argument at a later date, if appropriate.

Respectfully Submitted,

Herbert Smith Freehills New York LLP

/s/ Scott S. Balber

Scott S. Balber, Esq.
Attorneys for Defendant LR Credit 13, LLC

cc: All Counsel of Record (by ECF)

Herbert Smith Freehills New York LLP and Herbert Smith Freehills, an Australian Partnership, are separate member firms of the international legal practice known as Herbert Smith Freehills.

Herbert Smith Freehills New York LLP is a limited liability partnership registered in England and Wales with registered number OC375072. Its registered office is at Exchange House, Primrose Street, London EC2A 2EG.